

REMARKS

Claims 2-7 and 9 are pending in the instant application. Claims 2-5, 7, and 9 have been amended to replace “abnormal” with “damaged” and to indicate that the mammal is in need of enhancement of the function of normal or damaged excitable tissue. Support for the amendment is found at page 4, lines 11-13; page 6, lines 1-2; page 9, lines 9-10 and 18-21; and page 22, lines 26-31. No new matter has been added by these amendments.

Applicants believe that the amendments and remarks made herein place all pending claims in condition for allowance.

1. THE REJECTIONS UNDER 35 U.S.C. § 112, FIRST PARAGRAPH, FOR LACK OF ENABLEMENT SHOULD BE WITHDRAWN

Claims 1-7, and 9 are rejected under 35 U.S.C. § 112, first paragraph, because the specification allegedly does not enable any person skilled in the art to which it pertains or with which it is most nearly connected to make the invention commensurate in scope with the claims. The Examiner indicated that the specification provides sufficient enabling disclosure for “a method for enhancing the function of normal excitable tissue,” on page 3, lines 3-5, of the Office Action dated July 15, 2003. The Examiner further indicated that the experimental data presented in Exhibit D correlates to methods for enhancing the function of abnormal tissue due to injury, on the continuation sheet of the Advisory Action dated April 5, 2004.

Thus, in order to address the Examiner’s concerns and to facilitate allowance of claims which the Examiner has asserted to be enabled by the specification, claim 1 has been amended to replace “abnormal” with “damaged.” As noted by the Examiner, the teachings of the specification coupled with the experimental data disclosed in the specification are sufficient to enable one of skill in the art to practice the instant invention and successfully enhance the function of normal or damaged tissue (see example 3 at page 31, line 5 through page 32, line 15; example 4 at page 32, line 16 through page 33, line 14; example 5 at page 33, lines 15-34; Section 6; Section 7; and page 12, line 7, to page 13, line 14 of the

application as originally filed). Thus, in view of the teachings of the specification, the working examples, and the experimental data of Exhibit D, applicants submit that the specification provides enabling support for the full scope of the claims, as amended, and undue experimentation would not be required by one skilled in the art to practice the methods of the invention and successfully enhance the function of damaged excitable tissue, thereby enhancing associative learning and memory.

In view of the foregoing, Applicants submit that the rejection for lack of enablement under 35 U.S.C. §112, first paragraph, has been obviated and should be withdrawn.

CONCLUSION

Entry of the foregoing amendments and remarks into the record of the above-identified application is respectfully requested. Applicants estimate that the remarks made herein place the pending claims in condition for allowance. If any issues remain in connection herewith, the Examiner is respectfully invited to telephone the undersigned to discuss the same.

Respectfully submitted,

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Enclosures

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